

Chapter 9. Land Use and Public Utilities

Affected Environment

Data Sources

The following documents were used to prepare this section:

- u the Hamilton Army Airfield Disposal and Reuse Environmental Impact Statement (U.S. Army Corps of Engineers 1996a),
- u the Novato General Plan (City of Novato 1996),
- u Marin Countywide Plan (Marin County Community Development Agency 1994),
- u San Francisco Bay Plan (San Francisco Bay Conservation and Development Commission 1969), and
- u the Bel Marin Keys V revised draft EIR (Environmental Science Associates 1993).

Regulatory Setting

Novato General Plan

The Novato General Plan is a comprehensive, long-range planning document that identifies the city's land use, transportation, environmental, economic, fiscal, and social goals and policies as they relate to the conservation and development of land in Novato. The general plan was adopted in March 1996 and supersedes the city's 1981 general plan.

The general plan designates the HAAF and SLC parcels as open space. It describes open space uses as "Publicly-owned land that is largely unimproved and devoted to the preservation of natural

resources, outdoor recreation, floodways and flood control, and the maintenance of public health and safety”.

The allowable uses within this land use category include uses devoted to, among other purposes, the preservation of natural resources and outdoor education. In addition, the general plan contains EN Program 10.3 as follows:

Encourage wetlands restoration where appropriate. Restoration of historic wetlands such as those at the Hamilton Field runway is contributing towards restoring those lands that experienced significant loss (over 80 percent) in the bay area.

Lastly, the general plan designates the project site as a “bayfront area”; bayfront areas are areas within Novato that require careful regulation because of their environmental values and the City’s desire to preserve and enhance natural resources and historical resources, including wildlife and aquatic habitats, tidal marshes, seasonal marshes, lagoons, wetlands, agricultural lands and low-lying grasslands overlying historical marshes.

San Francisco Bay Plan

BCDC’s San Francisco Bay Plan was prepared to guide the future protection and use of San Francisco Bay and its shoreline. The San Francisco Bay Plan identifies the HAAF and SLC parcels as high-priority areas for wildlife use. The plan was amended (Bay Plan Amendment No. 1-95) to change the airport priority use designation and policy note for the former HAAF. The plan contains the following policy:

Develop comprehensive wetlands habitat plan and long-term management program for restoring and enhancing wetlands habitat in diked former tidal wetlands.
Dredged materials should be used whenever feasible and environmentally acceptable to facilitate wetlands restoration.

Marin Countywide Plan

The Marin Countywide Plan is a long-range comprehensive plan that governs growth and development in the unincorporated areas of the county. The Marin Countywide Plan designates the land use at BMKV as agriculture and conservation with a permitted residential use of 1 unit per 2-10 acres (Crawford pers. comm.). The BMKV site is located in the Bayfront Conservation Zone as designated in the Marin Countywide Plan. This designation is intended to preserve, protect, and enhance existing species and habitat diversity in the county.

Bay Trail

The Bay Trail is operated by the Bay Trail Project, a nonprofit organization operated by affiliated with the Association of Bay Area Governments, guides and oversees planning of the Bay Trail. The regional hiking and bicycling trail around San Francisco and San Pablo Bays is at various stages of completion. Portions of the trail that are proposed for the project area are currently in the conceptual stage. Trail alignments proposed in the project area include the Spine Bay Trail, located east west of the New Hamilton Partnership development and following the existing Northwestern Pacific Railroad right-of-way, and the Spur Trail, located on the HAAF parcel perimeter levees (Figure 9-1 Figures 9-1 and 9-2). The HRG has proposed a modified Spur Trail alignment that would be more compatible with the Hamilton wetland restoration plan than the unmodified, proposed Spur Trail alignment. The Spur Trail also would extend south through the St. Vincent's property and northwest along Pacheco Pond. In addition, several alternate alignments have been proposed west of the HAAF parcel (Seandone pers. comm.). The Spur Trail also would extend south through St. Vincent's and Las Gallinas Sanitary District property and northwest along Pacheco Pond. The HRG has proposed a modified Spur Trail alignment that would be more compatible with the wetland restoration plan than the unmodified adopted Spur Trail alignment.

The HRG's proposed alternative alignment would connect to the currently proposed Spine Bay Trail and run along the New Hamilton Partnership levee, Hangar Road, and around Long Point. This alignment would provide enhanced public access to the western side of the proposed project area.

The HRG's proposed alternative Spur Trail alignment would run along the New Hamilton Partnership levee and Hangar Road and around Long Point. It would connect to the adopted Spine Trail (NWPRR right-of-way) via Main Gate Road or other HAAF access roads. This alternative alignment would provide enhanced public access to the western side of the project. Furthermore, it would be consistent with the City's intention to prohibit public access on the perimeter levee to protect wetland habitat (Wood pers. comm.).

The Bay Trail Project recently indicated that the current adopted Spine Trail alignment may not be available if the NWPRR right-of-way is developed as a rail corridor. Because of this uncertainty, it is important to allow for alternatives to ensure a continuous Bay Trail.

In the project area, there are several alternatives to the NWPRR right-of-way. One alternative is Nave Drive, which runs between Bel Marin Keys Boulevard and the St. Vincent's property to the south. From Nave Drive, visitors can enter and exit on several HAAF access roads and use the HRG's proposed Spur Trail.

Other trail alternatives are located on properties not yet open to public access. To the north, a connection could be developed from the New Hamilton Partnership levee through the Phase II properties to Nave Drive or the NWPRR right-of-way. A lead agency for planning of the Phase II properties, the City of Novato could coordinate with interested stakeholders to plan for a continuous Bay Trail-Spine Trail alignment with connections to the HRG's proposed Spur Trail at Hamilton.

Properties south of HAAF are in private ownership or are not open to the public. Any future public planning opportunities for these properties should seek a connection to the HRG's proposed Spur Trail to create a continuous Bay Trail, provided that the connections are sensitive to any adjacent wildlife areas. Stakeholders for this planning effort are the Cities of Novato and San Raphael, the

Marin County Planning Department, BCDC, the Bay Trail Project, resource agencies, nonprofit organizations, and the Coastal Conservancy.

Final decisions on Bay Trail alignments with regard to design and implementation are the responsibility of the Bay Trail Project in conjunction with the City of Novato and the County of Marin.

Land Uses, Utilities, and Easements at the Project Site

Existing land uses, utilities, and easements at the project site are described below and identified in Figure 9-2 9-3.

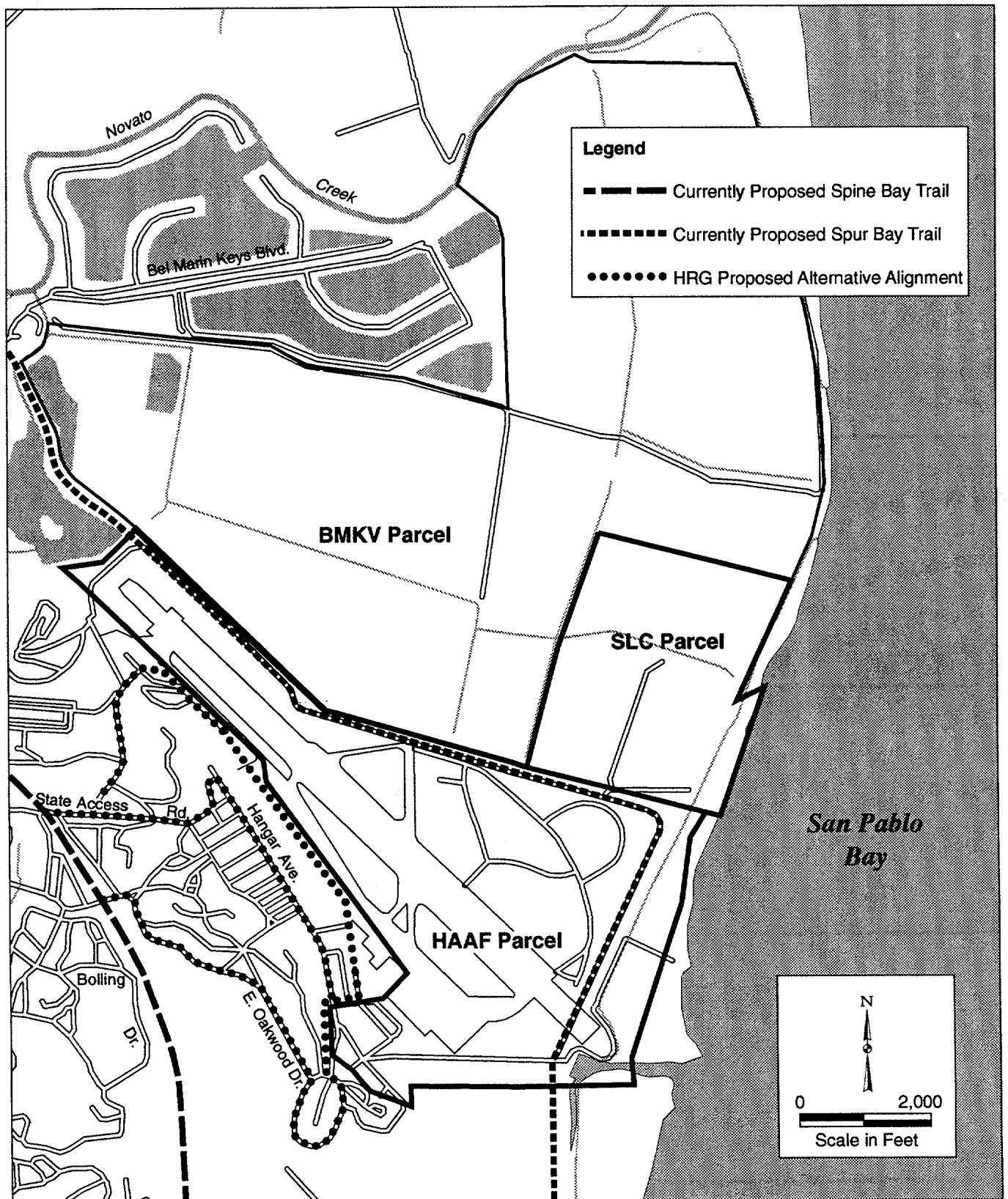
HAAF Parcel

Background. Hamilton Air Force Base was decommissioned as an active Air Force facility in 1974. Ownership of most of the property was transferred to the Army, Navy, and Coast Guard between 1974 and 1984. The portion of Hamilton Air Force Base transferred to the Army in 1984 was renamed Hamilton Army Air Field and served as a subinstallation to the Presidio. In addition to serving as an airfield for the Presidio, HAAF was used as a training center for Army Reserve aviation and medical units. State and local agencies and private organizations have also used the airfield occasionally for temporary, short-term events, subject to Army approval. No major repairs to HAAF facilities have been performed since the Air Force transferred the airfield to the Army, and facilities have since deteriorated.

HAAF, including a 20-acre site owned by the U.S. Navy and referred to as “the Navy ball field”, located in the southwest corner of the parcel, is currently in the BRAC process. The runway is no longer used for aviation and, since approximately June 1995, has been used to stockpile suspected contaminated soils. Contaminated sites, such as underground storage tanks and dredge spoils, will be cleaned up in a two-phased process beginning in 1998 and finishing by December 1999. (Cawood pers. comm.)

Land Uses. The HAAF parcel includes a runway (approximately 8,000 feet long) that is no longer used, aprons, taxiways, the revetment area, an airplane hangar, and other miscellaneous structures. The revetment area is located in the northeastern corner of the HAAF parcel and is transected by concrete-paved taxiways that connect 28 circular revetment turnouts. The Navy ball field is located in the southwest corner of the HAAF parcel and is currently used as a baseball/softball field.

Three features associated with Landfill 26 are located in the HAAF parcel. The 12.4-acre Landfill 26 wetland mitigation site, located on the runway at the northwest end of the parcel, was constructed to replace seasonal wetlands lost during closure of Landfill 26. A borrow area southeast of the wetland mitigation site was excavated to provide fill for the site. The borrow pit from which material



Jones & Stokes Associates, Inc.

Figure 9-1
Portions of the Bay Trail Proposed for
the Project Area

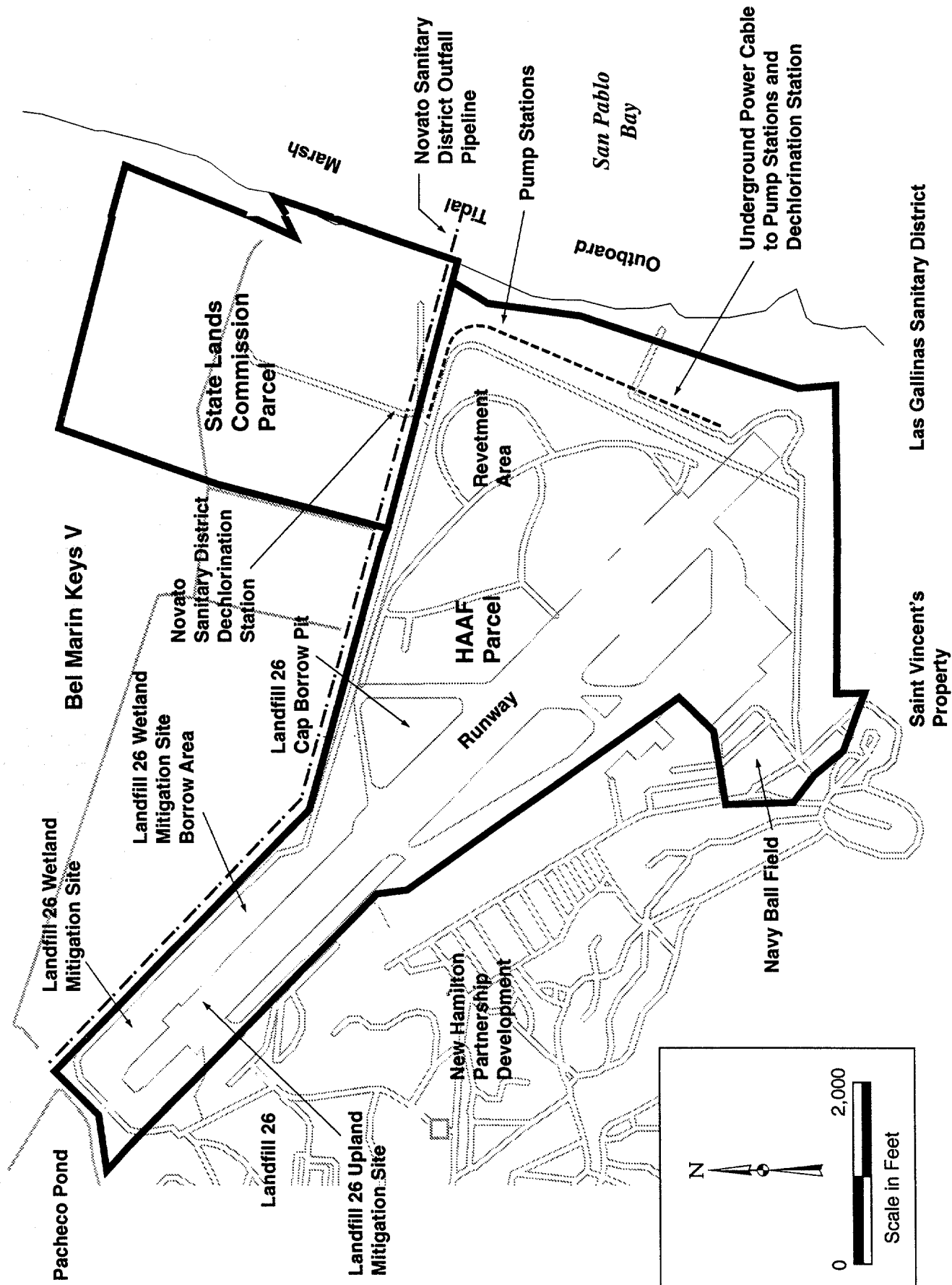


Figure 9-2
Land Uses and Utilities in the Project Area

was taken to cap Landfill 26 is a deep, triangular excavation with a surface area of approximately 13 acres.

Utilities. A drainage ditch runs along most of the perimeter levees except for the levee that separates the New Hamilton Partnership property from the HAAF parcel. Subdrainage pipes were installed throughout the HAAF parcel to assist in lowering the water table, and those pipes discharge to the perimeter drainage ditch.

Three pump stations operated by the Army are located near the northeastern corner of the HAAF parcel and discharge drainage from the perimeter ditch to the outboard tidal marsh. The pump stations include pumps, piping, and associated equipment. Pipes from adjacent properties also lead into the perimeter drainage system. Additional information regarding drainage facilities at the project site is provided in Chapter 5, "Surface Water Hydrology and Water Quality".

Pacific Gas and Electric Company (PG&E) provides electrical power to the HAAF parcel by means of a 60-kilovolt line from PG&E's substation and a small substation on the base. Power for the NSD dechlorination plant is provided by this system. An underground power line runs from a transformer at the HAAF pump stations through the outboard tidal marsh and then to NSD's dechlorination plant in the SLC parcel (Selfridge pers. comm.).

Easements and Requirements. As part of the BRAC process, the Army identified three easements on the HAAF parcel:

- u Under Public Law 102-396, the New Hamilton Partnership holds an easement across the western edge of the HAAF parcel to maintain the flood control levee that separates the HAAF parcel from the New Hamilton Partnership development.
- u The SLC has an easement across the HAAF parcel to maintain access to the SLC parcel. Although no official map of the easement exists, it is described as a 40-foot easement that extends from the entrance to the former Hamilton Air Force Base on Nave Drive to the SLC parcel. The easement follows existing roads.
- u The NSD has an existing right of entry across HAAF to the dechlorination plant and associated facilities in the SLC parcel.

As described earlier, the Army has created a wetland mitigation site at the northern end of the airfield as compensation for the loss of wetlands that resulted during the closure of Landfill 26. The Army has indicated that the continued operation and maintenance of the wetland mitigation site would be a requirement of property transfer.

SLC Parcel

Land Uses. The SLC parcel (also known as the Antenna Field) was once an antenna installation for Hamilton Air Force Base. As part of the closure process at the air base, the antenna field was transferred to the SLC.

Antennas and associated cables are located in the area. Other facilities at the site include aboveground fuel tanks, transformers, target practice ranges previously used by the Novato Police Department, and burn pits. The need for environmental restoration of sites in the SLC parcel is currently being investigated by the Army under the Formerly Utilized Defense Sites program (described in more detail in Chapter 10).

Utilities. NSD operates a dechlorination plant located on the southern edge of the SLC parcel. Treated effluent is conveyed from the Ignacio Treatment Plant and the Novato Treatment Plant to the dechlorination plant through a 54-inch outfall force main located on the BMKV and SLC parcels, parallel to the HAAF perimeter levee. The treated effluent is dechlorinated and then discharged to San Pablo Bay. Power is supplied to the dechlorination plant through an underground power line that runs from a transformer at the perimeter ditch pump stations along the outboard tidal marsh. Water is brought to the dechlorination plant in trucks and is stored onsite.

Easements. ~~No known easements cross the SLC parcel. The NSD has two 50-year easements on the SLC parcel. These include a 20-foot-wide easement for the outfall pipeline and an easement for the dechlorination plant.~~

Outboard Tidal Marsh

The HAAF and SLC parcels are separated from San Pablo Bay by a levee and a continuous area of pickleweed marsh. The project site contains approximately 66 acres of pickleweed marsh, including three perched ponds.

Land Uses adjacent to the Project Site

New Hamilton Partnership

Property located southwest of the HAAF parcel is owned by the New Hamilton Partnership (Figure 9-2 9-3). A master plan for development of this property was approved by the City of Novato on June 22, 1993, and amended on June 28, 1994. The master plan approved the development of 750,000 square feet of offices, 75,000 square feet of retail space, and 845 residential units. Recently, the New Hamilton Partnership constructed a 100-year flood control levee in the HAAF parcel (between the New Hamilton Partnership development and the HAAF parcel) and has begun construction of the development.

St. Vincent's Landholdings/Las Gallinas Sanitary District

The Roman Catholic Archdiocese owns approximately 1,500 acres south and southwest of the HAAF parcel (Figure 9-2 9-3). The area, known as the St. Vincent's property, is mostly undeveloped land used primarily for grazing and hay production. The Las Gallinas Sanitary District

owns a parcel southeast of the HAAF parcel and adjacent to the St. Vincent's property (Figure ~~9-2~~ 9-3).

Bel Marin Keys V

The BMKV parcel consists of approximately 1,610 acres north of the HAAF parcel and west of the SLC parcel (Figure ~~9-2~~ 9-3). In 1993, this property was proposed for development as a water-oriented, planned residential community. This development would be the last phase of the existing Bel Marin Keys community (Environmental Science Associates 1993). This proposed use of the site was not approved by the County of Marin. A new proposal for development has been submitted to the County of Marin. The current proposed project is similar in many ways to the prior project in that it consists of a water-oriented, planned residential community and golf course on approximately 1,610 acres. However, the previous project proposed a greater intensity of development on a larger portion of the site. The current proposed project is being processed by the County of Marin, and the site is currently used for agriculture.

Two major utility easements are known to cross the property. A 115-kilovolt power line crosses the property within a 40-foot-wide PG&E easement in the northwestern corner and the north-central portion of the area, adjacent to Novato Creek, and a 20-foot-wide NSD easement crosses the area along the outfall pipeline (Environmental Science Associates 1993).

Pacheco Pond

Pacheco Pond is located west of the northwest portion of the HAAF parcel. This 132-acre site is a flood control reservoir that receives flow from Pacheco Creek and San Jose Creek. Water from Pacheco Pond is discharged to Novato Creek. Additional information on Pacheco Pond is provided in Chapter 5, "Surface Water Hydrology and Water Quality".

Environmental Consequences and Mitigation Measures

Approach and Methods

Information related to land uses, utilities, and easements at the project site was reviewed and compared to the project alternatives to evaluate the potential for land use conflicts, disruption or loss of services provided by utilities, or conflicts with easements. Potential impacts were compared to the thresholds of significance described below to determine the level of significance of each impact.

Thresholds of Significance

According to Appendix G of the State CEQA Guidelines and professional criteria and judgment, a project is considered to have a significant impact on land use and public utilities if it would:

- u conflict or be incompatible with the land use goals, objectives, or guidelines of applicable general plans;
- u be inconsistent or conflict with statutes of the California Coastal Act or the land use goals, objectives, or policies of the BCDC or other applicable state agencies;
- u substantially conflict with an existing onsite land use;
- u substantially conflict with existing or future adjacent land uses; or
- u result in the loss of an existing easement or service to existing facilities.

Impacts and Mitigation Measures of Alternative 1: No Action

Under Alternative 1, no wetland restoration would occur and HAAF would not be transferred from the Army. Site cleanup would continue, and maintenance and operation of the levee and drainage system would remain with the Army. Existing easements held by the SLC, New Hamilton Partnership, and NSD would remain in place. No impacts would occur in surrounding areas because the land uses in the HAAF and SLC parcels would not change. No impacts would occur as a result of loss of access to the SLC parcel and NSD facilities because access would continue to be provided across the HAAF parcel.

Impacts and Mitigation Measures Common to Alternatives 2, 3, 4, and 5

Impact 9.1: Consistency with Novato General Plan, San Francisco Bay Plan, and Hamilton Reuse Plan

The Novato General Plan and Hamilton Reuse Plan designate the project area for open space. The proposed action would be consistent with this land use designation because wetland restoration is an allowable use under this designation. The proposed action would also be consistent with the San Francisco Bay Plan because the plan identifies the land use of the project site as wetlands.

Impact 9.2: Compatibility with Bay Trail Alignment Plans

The plan for the Bay Trail indicates two possible alignments in the vicinity of the project site. The alignment for the Spine Bay Trail is located west of the New Hamilton Partnership development, not adjacent to the project site. The Spur Trail alignment is proposed for the outboard tidal marsh levee and the levee between the HAAF and SLC parcels. Construction of the portion of this alignment along the outboard levee would be infeasible under the proposed action because a portion of the levee would be breached and continuous access would not be provided. Because the plan acknowledges that ~~other trail alignments are available in the vicinity of the project~~ there are alternative locations for the Bay Trail that ensure continuous north/south connections, the proposed action would not affect the overall viability of the Bay Trail. In addition, the HRG's proposed alternative trail alignment would provide enhanced access to the western side of the wetland restoration project. The inability to implement the existing Spur Trail alignment in its entirety is considered less than significant and no mitigation is required.

Impact 9.3: Potential Loss of Maintenance Access to NSD Outfall Pipeline

The levee between the HAAF parcel and the BMKV and SLC parcels would be reconstructed. Reconstructing the levee could result in loss of access to the NSD outfall pipeline. However, as indicated in Chapter 3, "Project Alternatives under Consideration", access to the NSD outfall pipeline would continue to be provided. Because the Corps, Coastal Conservancy, or successors in interest would provide access, this impact is considered less than significant.

Impacts and Mitigation Measures Unique to Alternative 2

Impact 9.4: Compatibility with Adjacent Land Uses

Under Alternative 2, restored wetlands would be established in the HAAF parcel. Wetlands in this area would be adjacent to agricultural uses in the BMKV parcel and St. Vincent's property, commercial and residential development in the New Hamilton Partnership area, and open space in the SLC parcel. Restoring wetlands adjacent to these areas would not affect current or future land uses. Potential impacts on adjacent properties associated with seepage, flooding, mosquitos, and noise (addressed in other chapters of this EIR/EIS) are considered less than significant.

Impacts and Mitigation Measures Unique to Alternative 3

Impact 9.5: Compatibility with Adjacent Land Uses

The impact on adjacent land uses would be the same as described under Impact 9.4. This impact is considered less than significant and no mitigation is required.

Impact 9.6: Increased Light and Glare

The hydraulic off-loaders would be marked and lighted, consistent with U.S. Coast Guard regulations, to prevent navigational hazards to watercraft using the area at all times of the day and night. Lighted facilities would have a minor visual impact on views from the shoreline and from the bay. ~~The off loading facility would be located as much as 34,000 feet offshore and would not~~ The shallow water off-loader would be located approximately 15,000 feet (2.8 miles) offshore, and the deep water off-loader would be located approximately 24,000 feet (4.5 miles) offshore. Neither off-loader would figure prominently in views from the shore; however, ~~it~~ the off-loaders would be obvious to users of this part of the bay, including recreational boaters, anglers, and sightseers. The continual lighting of the off-loading ~~facility~~ facilities for safety would create a negative visual focus during the night. However, on the basis of the distance of the lighted ~~facility~~ facilities from sensitive receptors and its temporary nature (construction phase only), this impact is considered less than significant and no mitigation is required.

Impacts and Mitigation Measures Unique to Alternative 4

Impact 9.7: Compatibility with Adjacent Land Uses

Under Alternative 4, restored wetlands would be established in the HAAF parcel. Wetlands in this area would be adjacent to agricultural uses in the BMKV parcel and St. Vincent's property, and commercial and residential development in the New Hamilton Partnership area. Restoring wetlands adjacent to these areas would not affect current or future land uses. Potential impacts on adjacent properties associated with seepage, flooding, mosquitos, and noise (addressed in other chapters of this EIR/EIS) are considered less than significant.

Impacts and Mitigation Measures Unique to Alternative 5

Impact 9.8: Compatibility with Adjacent Land Uses

Impacts on adjacent land uses under Alternative 5 would be the same as described under Impact 9.7 for Alternative 4. This impact is considered less than significant and no mitigation is required.

Impact 9.9: Increased Light and Glare

Impacts associated with increased light and glare under Alternative 5 would be the same as described under Impact 9.6 for Alternative 3 except that the off-loaders would be in operation for a longer period. This impact is considered less than significant and no mitigation is required.

Potential Issues and Resolutions under the Bel Marin Keys V Scenario

Potential Issue: Consistency with Novato General Plan, Marin Countywide Plan, and San Francisco Bay Plan

As described under Impact 9.1, the proposed land uses in the HAAF and SLC parcels would be consistent with the land uses identified in the Novato General Plan and the San Francisco Bay Plan for the parcels. Additionally, the land use designation for the BMKV parcel in the Marin County General Plan is agriculture and conservation with a permitted residence of one unit per 2-10 acres (AGC 3).

Wetland restoration in the BMKV parcel is an allowable use under the AGC 3 designation. However, this land use designation requires concurrent preservation of agricultural land. This scenario would combine restoration of wetlands with agricultural demonstration or upland/agricultural uses. ~~Although ; however,~~ the mix of restored wetlands with agricultural lands has not been determined, ~~the~~. The restoration project is expected to be consistent with the AGC3 land use designation. The Marin County Board of Supervisors recently passed Resolution 98-114, which supports wetlands and/or agriculture for the site and states that the use of the BMKV parcel for these uses would be consistent with the adopted Marin Countywide Plan. A copy of the resolution is included in Appendix B.

Potential Issue: Loss of Agricultural Production

Portions of the 1,610-acre BMKV parcel are used for production of oat hay. Assuming the entire site is under production, conversion of the site to wetland use would result in the loss of agricultural production on an estimated 1,610 acres, representing approximately 55% of the 2,929 acres of harvested hay acreage in Marin County in 1996.

According to the soil survey of Marin County (U.S. Soil Conservation Service 1985), the Reyes soil comprising the site is a Class IV soil, indicating that it has a very severe limitation that reduces the choice of plants or requires special conservation practices. According to the description of this soil, the non-prime Reyes soil is suited to hay and pasture production. (U.S. Soil Conservation Service 1985.)

Based on the 1996 countywide production average of approximately 2.2 tons of hay per acre and an average production value of \$59 per ton (Marin County Agricultural Commissioner's Office 1997), wetland use of the site would result in the estimated annual loss of 3,540 tons of hay production, valued at approximately \$208,900. This loss would represent an estimated 55% of Marin County's \$382,900 in hay production and 0.4% of the county's \$56.4 million in total agricultural production in 1996.

The conversion of the BMKV parcel's non-prime agricultural land would not directly result in a major reduction in the value of countywide agricultural output. The potential loss of 55% of the county's hay production is not expected to have adverse secondary

impacts on the economic health of the county's dairy sector, which depends heavily on regional hay production. The loss of the hay produced from the BMKV parcel could be offset by production from Sonoma County.

Potential Issue: Compatibility with Adjacent Land Uses

Under this scenario, restored wetlands would be established in the HAAF, SLC, and BMKV parcels. Wetlands in this area would be adjacent to agricultural uses of the St. Vincent's property and commercial and residential development in the New Hamilton Partnership area. Restoring wetlands adjacent to these areas would not affect current or future land uses. Potential effects on adjacent properties associated with seepage, flooding, mosquitos, and noise are considered to be less than significant. These effects are addressed in other chapters of this EIR/EIS.

Potential Issue: Increased Light and Glare

This scenario would have the same effect on light and glare as described under Impact 9.6. This potential issue is considered less than significant.

Potential Issue: Compatibility with Bay Trail Alignment Plans

This scenario would have the same effect on the Bay Trail as described under Impact 9.2. This potential issue is considered less than significant.

Potential Issue: Potential Damage and Loss of Maintenance Access to Utility Line in Bel Marin Keys V Parcel

This scenario would result in the inundation of the BMKV parcel. Inundation could result in potential damage and loss of maintenance access to the utility line that crosses the BMKV parcel. This potential issue could be considered significant. A potential resolution to this issue is described below.

Resolution: Assess Potential for Maintenance or Relocation of Utility

Crossing of Bel Marin Keys V Parcel. The Coastal Conservancy, Corps, or successors in interest shall assess the potential for maintaining the utility line easement in the BMKV parcel and incorporate access into the design plan for the parcel. In addition, the Coast Conservancy will coordinate with PG&E to determine methods to ensure that the power line is not damaged by inundation or placement of dredged materials. In the event that providing access for maintenance or modifications is not feasible, the Coastal Conservancy, Corps, or successors in interest will ensure that an alternative utility easement is provided.